

Commissioner for Patents

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figures 2 and 7. These sheets replace the original sheets. In Figure 2, reference numeral "19" has been modified to read ---19'--- and the same amendment has been made to Figure 7.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

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REMARKS

Claims 1 and 3 to 28 remain in the application.

Applicant wishes to thank the Examiner for his careful review of the specification and for his suggested corrective wording.

Concerning the discrepancy with respect to reference characters "19" and "21", these have been corrected in the specification and necessitated an amendment to Figures 2 and 7 wherein the return orifice has now been labeled with reference character 19'.

The specification was amended as suggested by the Examiner to correct errors as noted therein.

The claims have also been amended as suggested by the Examiner to correct certain wording as appearing therein.

Claim 1 was amended by combining the limitations of claim 2 therein and whereby to more clearly, patentably distinguish from the references cited by the Examiner. First, Applicant has noted that the prime references cited by the Examiner in his rejection of the claims on grounds of obviousness are the Filipponi U.S. Patent 5,293,653 and the Jarosch U.S. Patent 5,099,587. The Filipponi Patent relates to a shower stall kit which is installed on top of a shower stall whereby to produce steam which is injected in the stall. Accordingly, it converts a shower stall to a steam enclosure. The Jarosch U.S. Patent 5,099,587 is quite remote from the teachings of the present application and the Filipponi Patent as it is related to a dryer assembly whereby to dry a person when he comes out of a bath or shower. Its purpose is to blow air against the person to cause the water on the body to dry or drop to the floor of the housing. It is similar to a hand blower dryer that we find in bathrooms. None of these references relate to a therapeutic shower enclosure as now defined by amended claim 1 and claim 13 and wherein to generate a current of dry hot air which is at a temperature of up to about 50°C to 75°C whereby the person's internal temperature increases to provide the therapeutic effect of shedding toxins through the skin. None of the prior art teach this nor suggest converting their devices to provide this therapeutic effect.

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As described in the disclosure of the present application steam baths have been known for many years and this provides limited therapeutic effect. What a steam bath does is deposit hot water particles on the skin of a user person and this deposit constitutes an insulation to the skin from the temperature in the enclosure. The tolerance of a person being subjected to a steam bath is usually limited to about 120°F. Such temperature is not sufficiently high to cause the body to create a defensive mechanism by transpiring and thereby eliminate toxins quickly.

By combining claims 1 and 2, Applicant's invention has now been restricted to the specific disposition of the air return orifice and two air injection orifices disposed adjacent a respective one of opposed sides of the top wall whereby to create the stream of hot dry air to flow on a downward path against opposed sides of a shower enclosure to a bottom wall thereof and then to return along the corner area to the return orifice which is in the corner area of the top wall assembly. With reference to the Filipponi Patent, it is pointed out to the Examiner that the device as disclosed has an inlet port which is shown as an arcuate port 2a on one side of the top wall and an outlet port which is also arcuate and also indicated by reference numeral 2a on the other side of the top wall. A suction fan is located in a conduit and communicates with the inlet and outlet ports. With the disposition of these ports being so close, a convection flow will be formed as a loop from the inlet to the outlet as they are very closely spaced and the intent here is simply to inject steam into the enclosure and because the water droplets and steam are heavier than air, they will fall onto a bather inside the shower enclosure. It would not create the currents as now specifically defined in amended claim 1 and claim 13.

It is also pointed out to the Examiner that contrary to the Examiner's statement the Filipponi reference does not provide hot air to cause a user's body to increase its internal temperature to precipitate perspiration. That is not disclosed in this Patent nor would the temperatures be sufficiently high to do this for the reason as above pointed out and as explained in the preamble portion of the present application. The Examiner also agrees that Filipponi does not heat the air to the temperature range as specifically defined in claims 1 and 13. Accordingly, it is clearly with hindsight that the Examiner has

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formulated a rejection on grounds of obviousness as there is no teaching in that reference to convert the device from a steam generator to a dry hot air generator in the high temperature ranges as specifically defined in Applicant's claim 1. In fact, Filipponi does the opposite as what is defined in claim 1, namely, to generate humid air and not dry air.

The Jarosch U.S. Patent 5,099,587 is an air blower stall to dry a person. It clearly does not want a person to sweat as its purpose is the exact opposite, to remove water droplets from a person's skin. It would clearly not be obvious to modify that device to use it for an entirely different purpose in the absence of teachings in that device to do so. Again, it is only with hindsight acquired in reading the present application that the Examiner has attempted to do so. Jarosch does not read on the limitations pertaining to the disposition of the air return orifice and the two injection orifices to create the stream as specifically defined nor does it heat the air to the temperature as specifically defined nor does it cause a person's body to shed toxins by sweating. This reference is very remote from the teachings of the present invention.

As pointed hereinabove, independent claim 13 also includes the limitations of amended claim 1 and for the same reasons it and its dependent claims are also clearly not obvious over the combination of references applied when considered singly or in combination with themselves or with the secondary references cited by the Examiner.

The secondary references have been noted for their teachings but are also farfetched from the invention as now defined in amended claim 1 and claim 13 when combined with the other dependent claims.

Addressing now the double-patenting objection as raised on page 16 of the Office Action, Applicant files herewith a terminal disclaimer in compliance with 37 CFR 1.321(c).

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In view of the above amendments and remarks and the filing of a terminal disclaimer, this application is now believed to be in condition for allowance and early notice to that effect is earnestly solicited.

Respectfully submitted,
HENRY BRUNELLE

By:

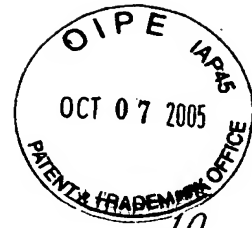


September 7, 2005

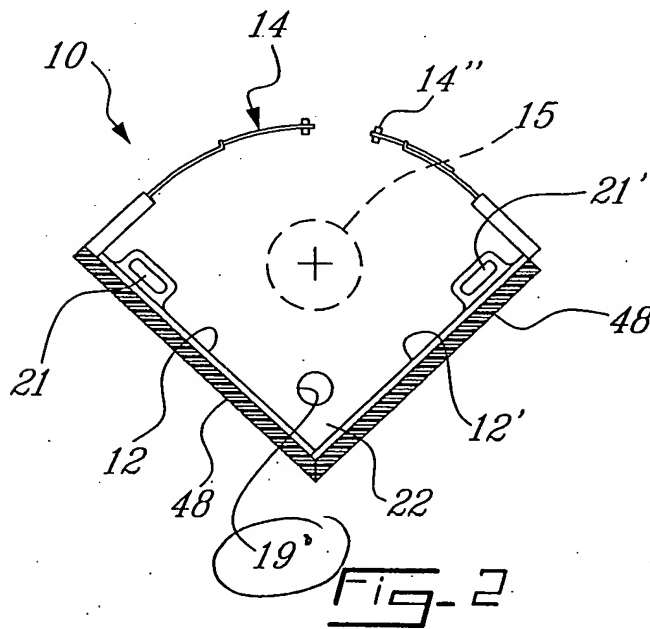
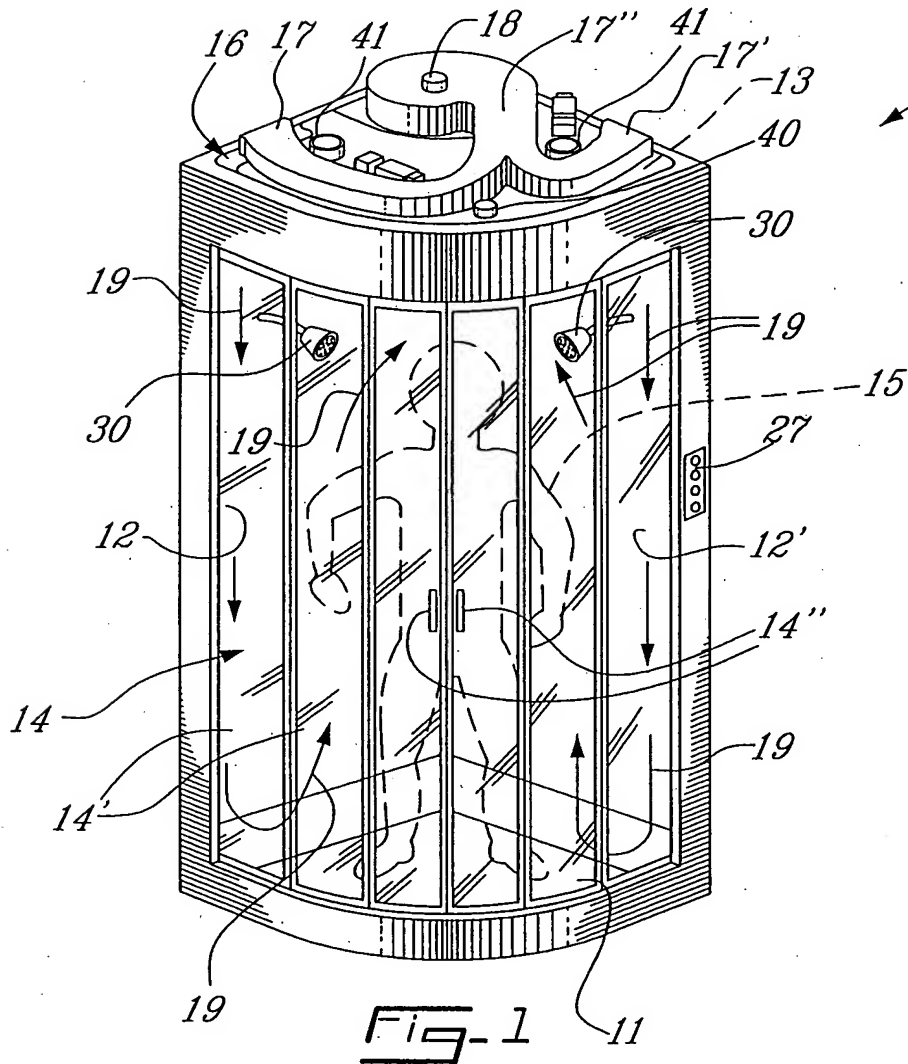
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Enc. Replacement Sheets
Annotated Sheets Showing Changes
Terminal disclaimer
Postcard



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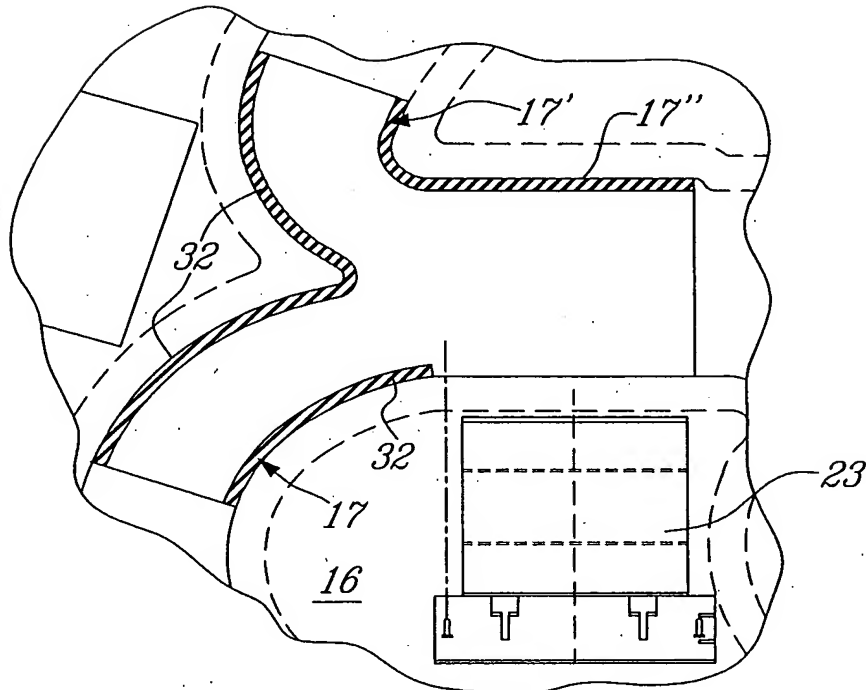


Fig-5

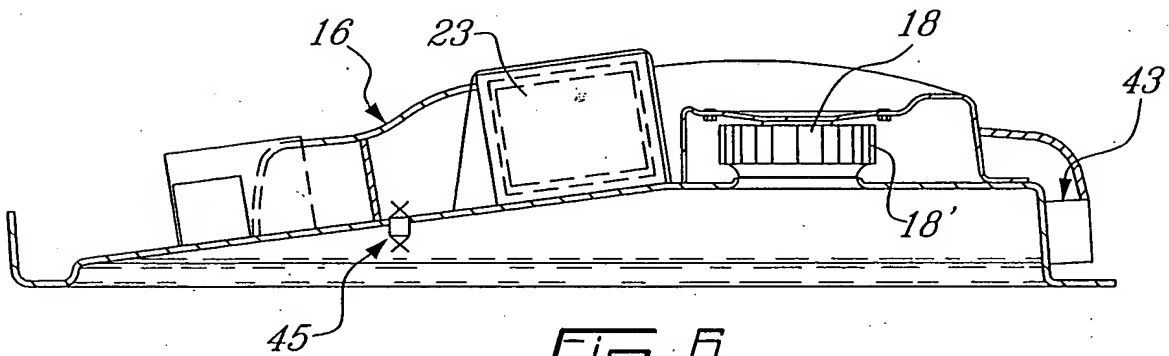


Fig-6

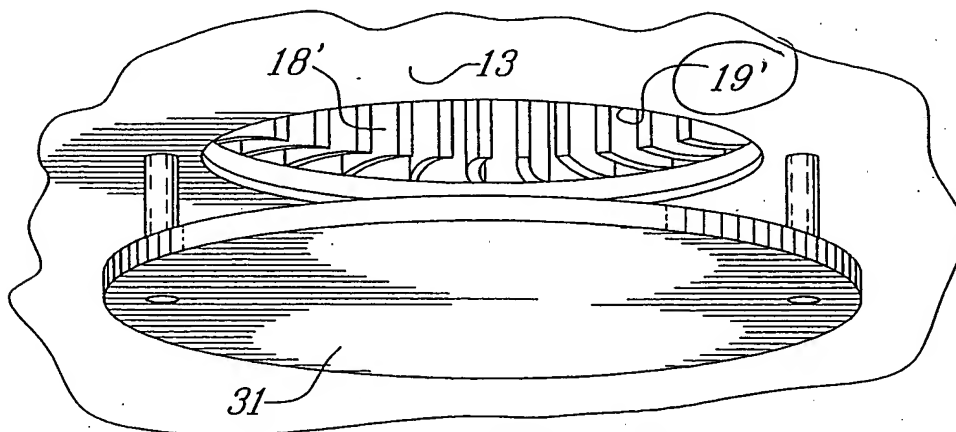


Fig-7